REMARKS

Supplemental to the Amendment After Final Rejection filed November 16, 2007, the Examiner's Action of August 24, 2007 is noted in which the Examiner finally rejects the claims in this case under a 35 USC 112, 2nd Paragraph rejection and under 35 USC 101 claiming non-statutory subject matter.

35 USC 112, 2nd Paragraph

Applicant has amended Claim 20 to claim the comparison modeling tool in sufficient detail to overcome the 35 USC 112, 2nd Paragraph rejection.

It appears that the Examiner is not clear that it is perfectly permissible to have a "cut and try" system in which an individual inputs whatever number he wants to in order to see what the result would be. For instance, the annual percentage increase in stock price is obviously something that one cannot know ahead of time. One can use any number of methods to try to hypothecate what this should be. The subject tool allows one to make wild guesses about estimated future performance or to base it on specific financial metrics and see what would happen as a result of these assumptions.

In short, there's nothing wrong with having an input "based on pure human consideration."

As to other 35 USC 112, 2nd Paragraph deficiencies, specifically with respect to the stock options having no restriction or time limit, all vested stock has a time limit and Applicant specifically claims inputting a vesting schedule. Moreover, the "as of" exercise dates are characterized in relationship to the term of the option based on the vesting schedule.

Note that Case 1 claims a "vested" stock option and specifies where within the stock option term the first "as of" date is set.

35 USC 101

Finally, the rejection under 35 USC 101 will not lie. It is black letter law that if one claims displaying a calculation result using a computer which this does (i.e., an "internet-based comparison modeling tool"), the subject matter is statutory.

Moreover, as mentioned above, one need not provide any basis for the inputs, such as future growth and past performance, as these inputs can in fact be guessed at by the individual and it makes not one whit of difference whether the inputs are arbitrary, considered, or the result of a prediction algorithm.

What the Examiner is saying is that if one had a machine that calculated one's bank balance, a machine displaying the results of the calculation would not involve patentable subject matter if there was a mistake in the input information. It makes no difference if the person enters in a wrong amount for a check; the result that the machine gives is still valid for the inputted information. Since Praeter & Wei, the first case on patentability of computer programs, claims to a machine or computer method that calculates one's bank balance are statutory.

The case here is no different.

The claimed result as to which gain is greater is absolutely determined by the claimed system and if the individual's guesses are wrong as borne out by future events, it makes no difference whatsoever. The tool is useful in giving the individual results based on inputs. Even if this is a case of "garbage in, garbage out," it still provides a result given the inputs that the individual specifies.

After all, stock plays are based on prognostication, and giving an individual a tool to analyze his or her strategy in the prognostication process is useful.

Applicant offers an in-office demonstration of his tool so that the Examiner can "play with it" and therefore understand how useful the tool can be.

In view of the above Amendment, allowance of the claims and issuance of the case are earnestly solicited. Alternatively, entry of this Amendment for purposes of appeal is requested.

Respectfully submitted,

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Date: Nov. 16, 2007